

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/15/12

----- X -----
 IN RE WORLD TRADE CENTER DISASTER : ORDER DISMISSING CASES
 SITE LITIGATION :
 ----- X -----
 IN RE LOWER MANHATTAN DISASTER : 21 MC 100 (AKH)
 SITE LITIGATION : 21 MC 102
 ----- X -----
 IN RE COMBINED WORLD TRADE CENTER : 21 MC 103
 AND LOWER MANHATTAN DISASTER SITE :
 LITIGATION :
 ----- X -----
 ALVIN K. HELLERSTEIN, U.S.D.J.: X

On March 16, 2012, Plaintiffs' counsel Worby Groner Edelman & Napoli Bern, LLP moved to dismiss 8,559 cases from the above-captioned master calendars. Defendants in the 21 MC 102 master calendar objected, agreeing that the 8,559 cases should be dismissed, but contending that approximately 276 additional claims should also be terminated. Defendants point out that these additional 276 claims were included in a prior "Notice of Withdrawal of All Claims" ("Notice"), filed by Worby Groner on December 31, 2011.

Because defendants do not object to the dismissal of the 8,559 claims, I order them dismissed. Regarding the 276 additional claims, the Notice in which they were included was filed in this Court for the purpose of meeting obligations necessary to participate in the reopened Victims Compensation Fund ("VCF"), pursuant to the James Zadroga Act. Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101 Note, Tit. IV § 405(c)(3)(C)(iii). I did not endorse, approve, or deny this Notice. Rule 41(a), Fed. R. Civ. P., provides that a plaintiff may only dismiss a claim without a court order if the opposing party has not filed an answer, or if the stipulation of dismissal is

signed by all parties. This was not the case with the Notice, and thus it did not function as a dismissal. If defendants believe any of these 276 additional cases should be dismissed for reasons relevant to this litigation, they may make a motion to do so.

The clerk shall close the docket numbers of all cases on Schedule A.

SO ORDERED.

Dated: May 11, 2012
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge

To be read with ~~the~~ motion of
3/16/12, endorsed by order 5/11/12

